

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

MICHAEL KNOTTS, on Behalf of
Himself and All Others Similarly Situated,

Plaintiff,

v.

NISSAN NORTH AMERICA, INC.,

Defendant.

Court File No. 0:17-cv-05049-SRN-SER

**DEFENDANT’S MOTION TO DISMISS
COUNT III OF PLAINTIFF’S FIRST AMENDED CLASS ACTION
COMPLAINT**

To: Plaintiff MICHAEL KNOTTS, and his attorneys, Melissa S. Weiner, PEARSON SIMON & WARSHAW, LLP, 800 Lasalle Ave., Suite 2150, Minneapolis, MN 55402, and Natalie Finkelman and James C. Shah, SHEPHERD, FINKELMAN, MILLER & SHAH, LLP, 35 E. State Street, Media, PA 19063.

Defendant Nissan North America, Inc. (“NNA”) respectfully moves the Court to dismiss Count III of Plaintiff’s First Amended Class Action Complaint on the grounds that Plaintiff has failed to state a claim against NNA upon which relief can be granted. This motion is brought pursuant to Rules 8(a), 9(b), and 12 of the Federal Rules of Civil Procedure and is based on NNA’s Memorandum of Law, oral argument, supporting papers, and the entire file and proceedings herein. NNA is serving and filing its Memorandum of Law and supporting papers contemporaneously herewith.

Date: December 7, 2018

By: s/Kevin T. McCarthy

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